

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KEVIN ORSON CHARLES DEY BEY,

Plaintiff,

**MEMORANDUM & ORDER**  
24-CV-0317 (EK) (JRC)

-against-

FIDELITY INVESTMENTS, LLC, FMR, LLC  
aka FIDELITY BROKERAGE SERVICES LLC,

Defendant.

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ERIC KOMITEE, United States District Judge:

Plaintiff Kevin Orson Charles D Bey filed this action in New York State Supreme Court, Kings County. Defendant Fidelity Brokerage Services LLC removed it to this Court in January 2024. Not. Of Removal., ECF No. 1. Plaintiff has moved to remand this action, and the Court has received Magistrate Judge Cho's Report and Recommendation (R&R), dated August 28, 2024, on that motion. ECF No. 31. Judge Cho recommends denying Bey's motion, based on a finding that diversity jurisdiction exists. *Id.*

Bey filed a timely objection to Judge Cho's R&R, arguing primarily that Fidelity's significant business ties to New York, including its registration as a Foreign LLC in New York, and its listing on the New York Stock Exchange mean that Fidelity is a citizen of this state. Pls. Opp'n to R&R, ECF No.

32. Because Bey is himself a citizen of New York, he argues that this destroys diversity jurisdiction. *Id.*

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court reviews *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b)(3); see also *Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) (“A proper objection is one that identifies the specific portions of the R&R that the objector asserts are erroneous and provides a basis for this assertion.”), *aff’d*, 578 F. App’x 51 (2d Cir. 2014).

I have conducted a *de novo* review of Judge Cho’s finding of diversity jurisdiction and find no error in it. Therefore, I adopt the R&R in its entirety and deny the motion to remand.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: September 30, 2024  
Brooklyn, New York